

REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-6, 34-40, 48-52, and 80-86 were pending. Claims 1-6, 34-40, 48-52, and 80-86 were rejected. In this response, no claim has been canceled or amended. No new matter has been added.

The Examiner objected to the information disclose statements filed October 28, 2002 that it failed to comply with 37 CFR 1.98(a)(2). Separate information disclose statements will be submitted again.

Claims 1, 34, 48, and 80 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 8 of U.S. Patent No. 5,966,465 of Keith et al. ("Keith") and GB 2341035 of Schwartz ("Schwartz"). Since this is a provisional double patenting rejection, Applicant hereby elects to defer addressing this issue until the present application is in condition of allowance.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,208,693 of Chen ("Chen"). However, the Examiner did not give any explanation how the limitations of the claim 1 are anticipated by Chen. In fact, there are some discrepancies between the rejections and the claims referred to. Specifically, the Examiner stated:

"As to the computer and the output device, these elements have been addressed with regard to claim 1 above.

Claims 5, 7, and 8 are the corresponding method claims to claims 1, 3, and 4 respectively. The discussion are addressed with regard to claims 1, 3, and 4."

(11/19,2003 Office Action, page 4)

There is no discussion in the office action with regarding claim 1, 3, and 4 before this rejection. Claim 5 of the present application is not a method claim and claims 7-8 have been canceled previously.

Nevertheless, it is respectfully submitted that Chen fails to disclose a coder where the most important data is not embedded and is coded in coefficient order without buffering, and a portion of less important data is buffered, embedded, and written to memory in order of importance. Therefore, claim 1 is not anticipated by Chen. Given that claims 2-6 depend from claim 1, it is respectfully submitted that claims 2-6 are not anticipated by Chen.

Claims 48-52 and 80-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,442,458 of Rabbani et al. ("Rabbani") in view of Schwartz. It is respectfully submitted that claims 48-52 and 80-86 include limitations that are not disclosed or suggested by Rabbani.

As acknowledged by the Examiner, Rabbani fails to disclose a rate control by determining the average codeword length. However, the Examiner maintains that Schwartz discloses such a limitation.

It is respectfully submitted that the present application is a continuation-in-part (CIP) of a U.S. application No. 08/847,074, filed May 1, 1997 (hereafter the '074 application), from which Schwartz claims the priority. It is respectfully submitted that the limitation of a rate control by determining the average codeword length is disclosed in the '074 application, a parent of the present application. For example, pages 106-108 of the '074 application disclose the rate control claimed the present application. Thus, the present invention as claimed entitles the priority date of the '074 application, May 1, 1997. As a result, Schwartz cannot be used to against the present invention as claimed. Withdrawal of the rejections is respectfully requested.

Claims 1-6 and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of an article, entitled "Image Compression Using the Spatial-orientation Tree" of Said et al. ("Said") and Rabbani, in view of Schwartz. It is respectfully submitted that claims 1-6 and 34-40 include limitations that are not disclosed or suggested by Said and Rabbani, individually or in combination.

As acknowledged by the Examiner, Said and Rabbani fail to disclose encoding the important data of the coefficients without buffering and less important data is buffered. However, the Examiner maintains that Schwartz discloses such a limitation. It is respectfully submitted that the above limitation is also disclosed in the '074 application, from which Schwartz claims the priority. For example, pages 61-65 of the '074 application disclose the above limitation. Thus, the present invention as claimed also entitles the priority date of the '074 application, May 1, 1997. As a result, Schwartz cannot be used to against the present invention as claimed. Withdrawal of the rejections is respectfully requested.

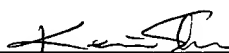
In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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Date: 4/19/2004



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